

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA

VS.

CRIMINAL CASE NO. 2:16cr3-KS-MTP

KENNETH E. FAIRLEY AND  
ARTIE FLETCHER

ORDER

This cause is before the Court *sua sponte* for the reason of intense media coverage surrounding the indictment and trial of the above named defendants in the Eastern Division of this Court which sits in Hattiesburg. The Eastern Division is a small division consisting of mostly rural areas with the population being concentrated in the Hattiesburg, Laurel, Lamar County, and Columbia areas, with a large percentage of the prospective jurors from counties in the Hattiesburg media market. The highly coincidental publication of numerous media articles regarding trial in the above styled case, causes this Court to believe that the parties will have a more difficult time empaneling a fair jury from the Eastern Division only.

28 U.S.C. § 1861 provides:

It is the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross-section of the community in the district or division (emphasis added) wherein the court convenes. It is further policy of the United States that all citizens shall have the opportunity to be considered for service on grand and petit juries in the district courts of the United States, and shall have an obligation to serve as jurors when summoned for that purpose.

This Court finds that drawing a jury from the district wide pool would provide a venire that has been less subject to the intense media coverage in the Eastern Division. Accordingly, the Court orders that the venire for the trial in the above styled case be called from a fair cross-

section of the entire Southern District of Mississippi.

SO ORDERED this the 29<sup>th</sup> day of August, 2016.

*s/Keith Starrett*  
UNITED STATES DISTRICT JUDGE